



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR CONTINUANCE OF SUMMARY ACTION MEETING

Held on April 2, 2008

9535 E. Doubletree Ranch Road, Scottsdale, Arizona 85258

Board Members

William R. Martin III, M.D., Chair
Douglas D. Lee, M.D., Vice Chair
Dona Pardo, Ph.D., R.N., Secretary
Robert P. Goldfarb, M.D., F.A.C.S.
Patricia R.J. Griffen
Andrea E. Ibáñez
Ram R. Krishna, M.D.
Todd A. Lefkowitz, M.D.
Lorraine L. Mackstaller, M.D.
Paul M. Petelin Sr., M.D.
Germaine Proulx
Amy J. Schneider, M.D., F.A.C.O.G.

CALL TO ORDER

The meeting was called to order at 3:20 p.m.

ROLL CALL

The following Board Members were present: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider.

CALL TO PUBLIC

The following three speakers addressed the Board during its Regular Session Call to Public held on Wednesday, April 2, 2008 at 9:30 a.m. Ma Kazmi, M.D., addressed the Board in support of Dr. Govindarajan. He stated that Dr. Govindarajan is a great physician who practices medicine well and that it would be a great loss to the Kingman community if he were no longer allowed to practice. David Young, Certified Respiratory Therapist, also spoke on behalf of Dr. Govindarajan. He stated that in the eleven years that he has known him he has never heard or seen any situation where Dr. Govindarajan was sexually abusive. Julie Mitchell, R.N., also addressed the Board in support of Dr. Govindarajan. She stated that he is very attentive to the nurses at Kingman Regional Medical Center and he exceeds the standard of care when treating patients. She stated it would be a tragic burden on the Kingman community if he were not able to care for his patients. Linda Null, R.N. also spoke on his behalf and stated that she was shocked to hear of the allegations as she has never observed any misconduct by him. She said the impact on the community would be devastating if the Board were to summarily suspend his license.

Dr. Govindarajan was present with legal counsel, Mr. Kraig Marton. Mr. Marton spoke during the call to public and questioned why the twelve women did not come forward when the alleged misconduct occurred. Mr. Marton said the public is protected by Dr. Govindarajan's court order to stay away from the twelve women. He concluded that there was no reason for the Board to take emergency action in this matter. Dr. Govindarajan also addressed the Board during the call to public. He stated that to this date, no one has told him that he has been behaving unprofessionally or has touched them inappropriately. He asked that the Board take into consideration the service that he provides to the community and not summarily suspend his license.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC.#	RESOLUTION
1.	MD-08-0243A	AMB	IIANGO VAN GOVINDARAJAN, M.D.	25797	Offer an Interim Consent Agreement to include a practice restriction requiring a licensed female provider as a chaperone when seeing all female patients and a Board approved inpatient psychosexual evaluation within 30 days and comply with all requests of the evaluator. Board Staff shall conduct chart reviews. The Board may modify the Interim Consent agreement based upon the outcome of the evaluation. The physician shall make a copy of the Interim Consent Agreement available to all facilities in which he practices. If the physician does not accept the consent agreement a summary restriction with the above stipulations shall go into effect.

MOTION: Dr. Martin moved to enter into executive session.

SECONDED: Dr. Krishna

Vote: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board went into Executive Session for legal advice at 3:46 p.m.

The Board returned to Open Session at 4:05 p.m.

No deliberations or discussions were made during Executive Session.

Dr. Petelin and Ms. Ibáñez did not have the opportunity to review all the material provided and; therefore, recused themselves from the case. All other Board Members confirmed that they had received and reviewed all of the investigative material. Dr. Martin stated the seriousness of the allegations requires the Board to be certain that the public is protected. Knowing that the investigation is not complete, Dr. Martin proposed that the Board find a way to protect the public by having Dr. Govindarajan be monitored by a chaperone when seeing female patients. Dr. Martin recommended Dr. Govindarajan undergo a psychosexual evaluation and if there are no serious concerns, lift the restriction; however, the restriction shall remain in place if there are concerns raised in the evaluation. Dr. Krishna agreed, noting that Dr. Govindarajan has the right to exercise his due process rights but opined that the allegations are egregious and noted that two patients have come forward since his arrest. Dr. Mackstaller agreed and stated that she takes these types of allegations seriously in order to protect the public, but at the same time the Board needs to be fair to the physician. Dr. Goldfarb instructed the Board's legal counsel to meet with Dr. Govindarajan and Mr. Marton to negotiate a consent agreement requiring a chaperone when seeing female patients and requiring Dr. Govindarajan to undergo a psychosexual evaluation. The Board allowed its legal advisors and opposing counsel the opportunity to come to an agreement.

After returning to open session, Anne Froedge, Assistant Attorney General, informed the Board that Dr. Govindarajan was amenable to a practice restriction requiring a chaperone when seeing female patients. However, Dr. Govindarajan expressed concern that he would need to hire another employee as his current staff are not licensed healthcare providers. Ms. Froedge stated he was also in agreement to undergo a psychosexual evaluation; however, he preferred an outpatient evaluation and was opposed to polygraph testing. Mr. Marton requested that the Board notify the facilities where Dr. Govindarajan works so they may impose the chaperone requirement. Lisa Wynn, Executive Director, stated that in the past, the Board has required a licensed healthcare provider to serve as a chaperone. She further stated that on certain occasions, the Board has approved outpatient settings for evaluations. Board members noted that inpatient evaluations have been typically ordered by the Board and that the Board has never allowed limitations on evaluator testing. Dr. Schneider noted that the complainants were staff of the hospital where Dr. Govindarajan is employed and expressed concern that requiring a female chaperone may be setting up the chaperone for possible abuse by Dr. Govindarajan. Drs. Martin and Pardo agreed with Dr. Schneider's concerns.

MOTION: Dr. Mackstaller moved to offer an Interim Consent Agreement to include a practice restriction requiring a licensed female provider as a chaperone when seeing all female patients and a Board approved inpatient psychosexual evaluation within 30 days and comply with all requests of the evaluator. Board Staff shall conduct chart reviews. The Board may modify the Interim Consent agreement based upon the outcome of the evaluation. The physician shall make a copy of the Interim Consent Agreement available to all facilities in which he practices. If the physician does not accept the consent agreement a summary restriction with the above stipulations shall go into effect.

SECONDED: Ms. Griffen

Board members confirmed that should Dr. Govindarajan not sign the consent agreement, a summary restriction with the above stipulation shall go into effect. Dr. Martin clarified that only a licensed healthcare provider may serve as a chaperone while Dr. Govindarajan is under the terms of the practice restriction. Marc Harris, Assistant Attorney General, requested the Board include in its recommendation that all hospitals where Dr. Govindarajan is employed be notified of the restriction. Mr. Marton questioned whether a Physician Assessment and Clinical Evaluation (PACE) would be acceptable for the Board. Dr. Martin stated Board Staff had discretion to decide which facility would be appropriate.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Ms. Proulx, and Dr. Schneider. The following Board members were recused: Ms. Ibáñez and Dr. Petelin
VOTE: 10-yay, 0-nay, 0-abstain, 2-recuse, 0-absent.
MOTION PASSED.

Mr. Marton stated that the terms are agreed to as set forth by the Board, but subject to review of the actual document.



The meeting adjourned at 5:01 p.m.

A handwritten signature in black ink, appearing to read "Lisa S. Wynn".

Lisa S. Wynn, Executive Director